

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-8 are pending in this application. Claim 1 has been amended to recite particularly useful embodiments. No new matter is introduced.

Claims 1-8, 10, 11 and 13-15 have been rejected under 35 U.S.C. §102(e) as anticipated by Hyon et al. U.S. Patent No. 6,103,778 (hereinafter simply referred to as Hyon). This rejection is respectfully traversed.

Nowhere does Hyon teach or suggest a blend comprising at least one bioabsorbable component and an octyl cyanoacrylate wherein the at least one bioabsorbable component contains at least about 80% caprolactone and a material selected from the group consisting of glycolide, trimethylene carbonate, dioxanone, alkylene glycols, esteramides, and copolymers thereof. Rather, Hyon discloses adding a copolymer to a cyanoacrylate wherein the copolymer is comprised of two or more polymers in a ratio ranging from 70:30 to 30:70. See, e.g., Column 2, lines 1-7 which state “[T]he polymer is a co-polymer of DL-lactic acid and ε-caprolactone, or DL-lactic acid, ethylene glycol and ε-caprolactone, or ethylene glycol and ε-caprolactone. It is highly preferred that the ratio of the composition is in the range of 70:30 to 30:70, that the weight-average molecular weight of the co-polymer of DL-lactic acid and ε-caprolactone are 10,000 to 120,000”. Also see, e.g., Column 3, lines 63-67, which states “In conclusion, the preferable mole ratio of the DL-lactic acid to ε-caprolactone in the co-polymer composition is in the range from 70:30 to 30:70 based on the crystallinity and the softness of the co-polymer.”. The teaching of this ratio range is exemplified in all 5 of Hyon’s examples, wherein the copolymer is comprised of two different polymers in a mole ratio of 50:50. Therefore, Hyon

does not disclose compositions that anticipate or render obvious the presently recited subject matter, which comprises at least one bioabsorbable component containing at least about 80% caprolactone and octyl cyanoacrylate.

In fact, Hyon clearly teaches away from adding a copolymer comprised of two or more polymers wherein one of the polymers represent at least about 80% of the copolymer to a cyanoacrylate component. As shown in Hyon's Comparative Example (Column 6, lines 33-51), co-polymers of DL-lactic acid and ε-caprolactone (in a mole ratio of 80:20) were tested and deemed to be unacceptable because the compositions have a high cytotoxicity value and are too slow to biodegrade or be bioabsorbed.

Also, nowhere does Hyon specifically disclose the use of an octyl cyanoacrylate. In fact, all 5 examples of Hyon specifically disclose the use of n-butyl cyanoacrylate (NCBA) and fail to teach or suggest the use of any other types of cyanoacrylates.

For at least the foregoing reasons, withdrawal of the rejection of Claims 1-8 under 35 U.S.C. §102(e) as being anticipated by Hyon is deemed appropriate and is respectfully requested.

Claims 1-8 and 10-13 have been rejected under 35 U.S.C. §102(e) as anticipated by Shalaby U. S. Patent No. 6,299,631 (hereinafter simply referred to as Shalaby). This rejection is respectfully traversed.

Nowhere does Shalaby teach or suggest a blend comprising at least one bioabsorbable component and an octyl cyanoacrylate wherein the at least one bioabsorbable component contains at least about 80% caprolactone and a material selected from the group consisting of glycolide, trimethylene carbonate, dioxanone, alkylene glycols, esteramides, and combinations thereof as recited in claim 1. Rather Shalaby provides a cyanoacrylate formula encompassing many compounds, with no motivation to select the specifically recited octylcyanoacrylates. In

fact, Shalaby teaches, claims, and specifically discloses throughout all 37 of his working examples, a composition comprising only a 2-alkoxyalkylcyanoacrylate, i.e., 2-methoxypropylcyanoacrylate (MPC), and one or more polyesters. Furthermore, nowhere in Shalaby is the use of an octyl cyanoacrylate even specifically mentioned.

For at least the foregoing reasons, withdrawal of the rejection of Claims 1-8 under 35 U.S.C. §102(e) as being anticipated by Shalaby is deemed appropriate and is respectfully requested.

Claims 1-8, 10-16, and 18 have been rejected under 35 U.S.C. §103(a) as obvious over Hyon and Shalaby.

Hyon also fails to teach, suggest or motivate one skilled in the art to combine the presently recited bioabsorbable components and the cyanoacrylates disclosed in the present application. Rather, Hyon teaches the use of NCBA with copolymers containing less than about 70% of any given bioabsorbable material. Hyon simply makes no specific mention of octyl cyanoacrylates. Therefore it would not be obvious to one skilled in the art to combine the cyanoacrylate components described in Hyon with the polyester components of the Shalaby compositions. Not even through hindsight, could the presently recited compositions be deemed obvious in view of Hyon and Shalaby.

Shalaby does not and is not cited as curing this deficiency of Hyon. Instead, like Hyon, Shalaby does not specifically mention octyl cyanoacrylates, and, by using only MPC in his examples actually teaches away from octyl cyanoacrylates.

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For at least the foregoing reasons, withdrawal of the rejection of Claims 1-8 under 35 U.S.C. §103(a) as obvious over Hyon and Shalaby is deemed appropriate and is respectfully requested.

In view of the foregoing, this application is believed to be in condition for allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



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